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UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF ALABAMA
Southern Division

Paul H. Michael Jr., individually and as Trustee of

25-cv-274-JB-B

Mountain View Nature Preserve & Botanical Garden (501(c)(3)),

Plaintiff,

v.

Sedona Property Owners Association, et al.

Defendants.

**VERIFIED FEDERAL COMPLAINT FOR DECLARATORY AND CIVIL
RIGHTS RELIEF WITH REQUEST TO STAY STATE CIVIL
PROCEEDINGS**

INTRODUCTION

Plaintiff, proceeding pro se and under extreme financial hardship, brings this Verified Federal Complaint to seek protection from a long-standing pattern of targeted abuse, selective enforcement, and constitutional violations orchestrated by the Sedona Property Owners Association (POA) and its agents. Plaintiff is not a licensed attorney and files this action in defense of a federally recognized 501(c)(3) nonprofit land trust lawfully formed, recorded, and certified for public benefit, environmental stewardship, and educational purpose.

This matter is not a simple civil lien enforcement or neighbor dispute. This is a coordinated assault on federal trust property, carried out through retaliation, procedural sabotage, and systemic misrepresentation. Plaintiff seeks declaratory relief, civil rights protection, and a formal stay of all state proceedings while this Court reviews the full scope of violations.

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to:

- 28 U.S.C. § 1331 – Federal Question Jurisdiction;
- 28 U.S.C. § 1343 – Civil rights enforcement;
- 42 U.S.C. § 1983 – Deprivation of rights under color of law;
- 42 U.S.C. § 1985(3) – Conspiracy to interfere with civil rights;
- 26 U.S.C. § 508(c)(1)(A) and § 501(c)(3) – Federal charitable nonprofit protections;
- U.S. Constitution – Supremacy Clause, First Amendment, and Due Process Clause.

Venue is proper in this Court because the events giving rise to the claim occurred in Baldwin County, Alabama, within the Southern District of Alabama.

PARTIES

Plaintiff: Paul H. Michael Jr., a resident of Baldwin County, Alabama, and the lawful Trustee of Mountain View Nature Preserve & Botanical Garden, a federally recognized 501(c)(3) nonprofit charitable trust organized and recorded in the State of Alabama.

Defendants: Sedona Property Owners Association, an Alabama entity operating in Baldwin County, along with its board members and agents acting under color of authority and named as Does 1–10 pending full discovery.

FACTUAL BACKGROUND

From 2019 onward, Plaintiff began transforming a storm-damaged residential lot into a living ecological sanctuary. The land has since been formally reclassified from private use to nonprofit ownership and stewardship, with:

- IRS 501(c)(3) designation (EIN: 33-4653427);
- USDA Farm & Tract Registration (Farm 6859, Tract 13783);
- Charitable Trust documents filed with Baldwin County Probate;
- REC Classification and associated real property filings.

Over six years, the property has become:

- A botanical garden with over 200 subtropical and exotic species;
- A USDA-aligned conservation site;
- A public benefit campus with ADA paths, wetlands, retaining walls, privacy fencing, water diversion systems, and a hand-built outdoor gazebo for agricultural teaching, healing, and religious use;
- A propagation tent capable of supporting over 1,000 plant seedlings for biodiversity preservation.

Community support includes donations from:

- Outback Steakhouse (30 shrubs);
- Forest Elementary School (10 trees);
- Guy Car Garage (equipment);
- Teaks Towing (47,000 lbs. of boulders).

The site is scheduled to open to the public on June 1, 2026, and is currently under phased restoration with ongoing funding challenges.

In April 2025, the property was formally transferred into the nonprofit trust. In June 2025, the IRS issued its confirmation letter. Notice was provided to the POA through legal counsel with full documentation.

Despite this, Defendants resumed aggression, misrepresented filings, and weaponized court access to dismantle the trust.

PATTERN OF RETALIATION

In 2022, Plaintiff requested the Sedona POA reprimand a board member for verbal assault. The POA refused to accept his formal complaint. Shortly after, multiple previously unidentified board members trespassed on the property. That year, a beehive was confiscated during Plaintiff's out-of-town work assignment—despite clear communications—and returned only after legal threats.

The retaliation resumed in March 2025 after a protective state court order expired. Despite the absence of any new violations, the POA filed a new action in state court to dismantle the nonprofit entirely. Plaintiff received service on June 26, 2025, for a July 14 hearing, allowing only 18 days to respond pro se.

DELIBERATE LEGAL MISREPRESENTATION

Defendants have:

- Ignored Plaintiff's pro se status and financial hardship, despite knowing he is unrepresented;
- Alleged fraudulent transfer in spite of certified IRS, USDA, and Baldwin County documentation;
- Omitted the nonprofit's existence, EIN, trust deeds, and federal registration from state filings;
- Used HOA dues collected from residents to fund a targeted litigation campaign against Plaintiff;

- Falsely claimed land-based liens, when all liens are personal and not indexed to the property (confirmed by Baldwin County Probate);
- Cited post-transfer IRS matters unrelated to the nonprofit to deceive the court.

Defendants are attempting to mislead civil court, destroy a federally protected trust, and silence a peaceful land restoration initiative backed by ecological, educational, and religious goals.

COMMUNITY OUTRAGE AND AGENCY INVOLVEMENT

Neighbors are now expressing outrage after learning that their dues were weaponized against one household. Multiple residents have pledged to submit affidavits in support of Plaintiff.

Complaints have been submitted to:

- The Baldwin County District Attorney's Office;
- The Baldwin County Sheriff's Office (multiple incident reports);
- The U.S. Department of Justice Civil Rights Division;
- The IRS via Form 13909 regarding misuse of nonprofit law.

COUNTS FOR RELIEF

COUNT I – 42 U.S.C. § 1983 – Deprivation of Rights Under Color of Law

Defendants acted under color of state authority to suppress Plaintiff's federally protected rights through misrepresentation, intimidation, and procedural exploitation.

COUNT II – 42 U.S.C. § 1985(3) – Civil Rights Conspiracy

Defendants conspired to deny equal protection and target Plaintiff with baseless litigation intended to dismantle nonprofit land rights.

COUNT III – Declaratory Relief

Plaintiff seeks a declaration affirming:

- The trust is a federally protected nonprofit;
- The POA's claims are meritless;
- The state court lacks jurisdiction over federal charitable land.

COUNT IV – Motion to Stay Civil Proceedings

Plaintiff respectfully moves this Court to stay all state civil proceedings in Baldwin County Circuit Court (CV-2022-901356) pending federal adjudication.

REQUESTED RELIEF

Plaintiff respectfully requests:

1. Declaratory ruling confirming federal protection of the nonprofit;
2. A motion to stay the July 14 state hearing and all related proceedings;
3. Judicial acknowledgment of Plaintiff's financial hardship and pro se limitations;
4. Protection from further retaliation or legal manipulation by Defendants;
5. Any other relief deemed just and proper.

Respectfully submitted,

Paul H. Michael Jr.

Pro Se Plaintiff

Mountain View Nature Preserve & Botanical Garden

23831 Havasu Drive, Daphne, AL 36526

Email: surmichael80@yahoo.com

Date: July 7, 2025

A handwritten signature in black ink that reads "Paul H Michael". The signature is written in a cursive, flowing style.